IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

SUNDAY, THE FOURTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO : 1511 of 2005

Between:

Sree Rama Krishna Hindu High School, Amaravathi, Guntur District rep., by its Correspondent Sri Mallela Sreenath Choudary, s/o Seshagiri Rao, aged 68 years, r/o H.No.4-55-33/1, Vidyanagar,
First Lane, Guntur-7.

..... PETITIONER

AND

1 The Commissioner of School Education, Opp.Accounts General Office, Hyderabad.
2 The Regional Joint Director of School Education, Guntur.
3 The District Educational Officer, Collectorate Compound,

Guntur.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a suitable writ order or direction more particularly one in the nature of writ of mandamus declaring that the prohibition imposed by the Govt. for filling up of the existing vacancies for Grant-in-Aid vide Memo No.12080/COSE/A2/2004 dt.20-10-2004 has no application in the case of the petitioner and consequently direct the respondents to fill up the existing vacancies as per the Selection List of the Selection Committee dt.16-8-2004.

Counsel for the Petitioner: SMT.S.A.V.RATNAM

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court made the following:

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ORDER:

The petitioner-school was granted permission to fill up the vacant posts and when it sought to fill up the posts, the respondents refused permission on the ground that a ban is imposed by the Government on recruitments vide Memo No.12080/COSE/A2/2004 dated 20-10-2004.

Admittedly, the selection list was prepared on 16-08-2004 and the ban came into operation on 20-10-2004. Since the ban imposed can have prospective operation and has no retrospective operation, respondents not granting permission to fill up the vacant posts, as per the selection list dated 16-08-2004 is not proper.

Therefore, the writ petition is disposed of with a direction to the respondents to fill up the vacancies as per the selection list of the selection committee dated 16-08-2004. No order as to costs.

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(C.Y.SOMAYAJULU, J)

Dated April 12, 2005.

YCR

To

1 The Commissioner of School Education, Opp.Accounts General Office, Hyderabad.
2 The Regional Joint Director of School Education, Guntur.
3 The District Educational Officer, Collectorate Compound,

Guntur.

4. 2 CCs to G.P. for School Education, High Court Buildings, Hyderabad. (OUT)

5. 2 CD copies.